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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,243	09/03/2004	Phillip A. Schwegmann	031001np	5242
35501	7590	01/14/2008		
LAFKAS PATENT LLC PO Box 43289 CINCINNATI, OH 45243-0289			EXAMINER KANG, IRENE S	
			ART UNIT 4194	PAPER NUMBER
			NOTIFICATION DATE 01/14/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dlafkas@lafkaspatent.com
david@lafkaspatent.com

Office Action Summary	Application No.	Applicant(s)	
	10/711,243	SCHWEGMANN, PHILLIP A.	
	Examiner	Art Unit	
	IRENE KANG	4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/03/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Dependent claim 18 recites the limitation "personal computer", depending on independent claim 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7, 8, 10, 11-13, 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Welnicki (Pub. No.: US 2002/0138386).

CLAIMS 1 AND 11

As to Claim 1, *Welnicki* teaches a system for generating information representative of a current financial portfolio relative to a future financial position of one or more investors (see at least Abstract and Figure 3), the system comprising:

a computing device including one or more processing means for processing data and one or more storing means for storing data (see at least ¶[0006], ¶[0007], and Figure 1);

one or more inputting means for inputting criteria information representative of the current financial portfolio and information representative of the future financial position of the one or more investors (see at least ¶[0052] and ¶[0197] and Figure 29);

one or more initializing means for generating the current financial portfolio based on the criteria information input and for generating a relative future financial position based on a reverse extrapolation of the future financial position (see at least ¶[0009], ¶[0011], ¶[0017], and ¶[0136]);

calculating means for mathematically comparing the current financial portfolio to the relative future financial position and determining a discrete symbolic rating (see at least ¶[0012]); and

one or more transmitting means for presenting the discrete symbolic rating to the one or more investors (see at least ¶[0017], ¶[0052], ¶[105], and Figure 3, item 62 – it is implicit that a discrete symbolic rating is presented since the calculated difference would result in a number).

Claim 11 is rejected for the same reasoning as Claim 1.

CLAIMS 2 AND 12

As for Claim 2, *Welnicki* teaches the system wherein the criteria information representative of the current financial position is selected from the group consisting of income, savings, real estate, bonds, stocks, pension investment, social security, taxes, inheritance, gifts,

personal property, intellectual property, debt, and combinations thereof (see at least ¶'s [0095] through [0104]).

Claim 12 is rejected for the same reasoning as Claim 2.

CLAIMS 3 AND 13

As for Claim 3, *Welnicki* teaches the system wherein the information representative of the future financial position is selected from the group consisting of income, savings, real estate, bonds, stocks, pensions, social security, taxes, inheritance, gifts, personal property, intellectual property, debt, insurance, medical costs, and combinations thereof (see at least ¶[0009] and ¶'s [0095] through [0104]).

Claim 13 is rejected for the same reasoning as Claim 3.

CLAIMS 7 AND 17

As for Claim 7, *Welnicki* teaches the system wherein the computing device is a personal computer (see at least ¶[0050] and ¶[0056]).

Claim 17 is rejected for the same reasoning as Claim 7.

CLAIMS 8 AND 18

As for Claim 8, *Welnicki* teaches the system wherein the personal computer is connected to the Internet (see at least ¶[0052] and ¶[0056]).

Claim 18 is rejected for the same reasoning as Claim 8.

CLAIMS 10 AND 20

As for Claim 10, *Welnicki* teaches the system wherein the transmitting means is one or more transmissions via the Internet (see at least ¶[0052], ¶[0056], and ¶[0058]).

Claim 20 is rejected for the same reasoning as Claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-6 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welnicki (Pub. No.: US 2002/0138386) as applied to claims 1-3, 11-13, 10, and 20 above, and further in view of Long (Pub. No.: US 2004/0103050).

CLAIMS 4 AND 14

As for Claim 4, while *Welnicki* discloses a system for generating information representative of a current financial portfolio relative to a future financial position of one or more

investors for which this relationship corresponds to a discrete symbolic rating, it does not specifically disclose that the discrete symbolic rating is a letter grade, a numeric value, a unique set of figures, or combinations thereof. *Long* discloses a discrete symbolic rating is a letter grade, a numeric value, a unique set of figures, or combinations thereof (see at least ¶[0033], ¶[0037], ¶[0039], and ¶[0067]). It was known in the art that a letter grade, a numeric value, a unique set of figures, or combinations thereof are all forms of a discrete symbolic rating. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a letter grade, a numeric value, a unique set of figures, or combinations thereof as disclosed by *Long* for a discrete symbolic rating as disclosed by *Welnicki* because this would make the system more comprehensible and convenient.

Claim 14 is rejected for the same reasoning as Claim 4.

CLAIMS 5 AND 15

As for Claim 5, while *Welnicki* teaches a system for generating information representative of a current financial portfolio relative to a future financial position of one or more investors for which this relationship corresponds to a discrete symbolic rating, it does not specifically disclose that the discrete symbolic rating is a numeric value between about 0 and about 1. *Long* discloses a discrete symbolic rating is a numeric value between about 0 and about 1 (see at least ¶[0057]). It was known in the art that a numeric value between about 0 and about 1 is a form of a discrete symbolic rating. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a numeric value between about 0 and about 1 as disclosed by *Long* for a discrete symbolic rating as disclosed by *Welnicki* because this would make the system more comprehensible and convenient.

Claim 15 is rejected for the same reasoning as Claim 5.

CLAIMS 6 AND 16

As for **Claim 6**, while *Welnicki* teaches a system for generating information representative of a current financial portfolio relative to a future financial position of one or more investors for which this relationship corresponds to a discrete symbolic rating, it does not specifically disclose that the discrete symbolic rating is a numeric ratio. *Long* discloses a discrete symbolic rating is a numeric ratio (see at least ¶[0063] through ¶[0065]). It was known in the art that a numeric ratio is a form of a discrete symbolic rating. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a numeric ratio as disclosed by *Long* for a discrete symbolic rating as disclosed by *Welnicki* because this would make the system more comprehensible and convenient.

Claim 16 is rejected for the same reasoning as Claim 6.

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Welnicki* (Pub. No.: US 2002/0138386) as applied to claims 1-3, 11-13, 10, and 20 above, and further in view of *Heyns et al.* (Pub. No.: US 2004/0073442).

CLAIMS 9 AND 19

As for Claim 9, while *Welnicki* teaches one or more transmitting means for presenting the discrete symbolic rating to the one or more investors, it does not specifically disclose that the transmitting means is a monthly statement forwarded to the one or more investors. *Heyns* discloses a transmitting means is a monthly statement forwarded to the one or more investors (see at least ¶[0007] and ¶[0050]). It would have been obvious to one of ordinary skill in the art

at the time of the invention to modify *Welnicki* to substitute a monthly statement forwarded to the one or more investors as a transmitting means since this provides a convenient and methodical way for presenting the discrete symbolic rating.

Claim 19 is rejected for the same reasoning as Claim 9.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because some of the Applicant's claims have been disclosed in these publications:

1. Publication No. US 2002/0138386 filed by Maggioncalda et al., on July 12, 2001 and titled: "User Interface for a Financial Advisory System".
2. Publication No. US 2003/0149658 filed by Rossbach et al., on January 31, 2003 and titled: "System for Providing a Warranty for the Automated Valuation of Property".
3. Publication No. US 2002/0143680 filed by Walters et al., on February 27, 2001 and titled: "Financial Planning Method and Computer System".
4. Publication No. US 2002/0147671 filed by Sloan et al., on August 15, 2001 and titled: "Financial Portfolio Risk Management".
5. Patent No. 5,214,579 filed by Wolfberg et al., on December 22, 1989 and titled: "Goal-Oriented Investment Indexing, Tracking and Monitoring Data Processing System".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IRENE KANG whose telephone number is (571)270-3611. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Irene Kang/
Examiner, Art Unit 4194
1/8/2008

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4194